

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

IN RE: PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION

MDL NO. 1456

CIVIL ACTION: 1:01-CV-12257-PBS
1:06-CV-12160-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

*State of Florida, et al. v. Boehringer
Ingelheim Corp., et al.*

Chief Mag. Judge Marianne B. Bowler

STATUS REPORT SEPTEMBER 1, 2007

Pursuant to the Court's July 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs hereby submit the following status report to the Court listing the status of all motions to date.

Respectfully Submitted,

DATED: August 31, 2007

By: /s/ Mary S. Miller

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MDL 1456 Status Report
State of Florida ex rel. Ven-A-Care v. Boehringer Ingelheim Corp., et al.
Case No.: 1:06-CV-12160-PBS

Complaint in Intervention

On July 9, 2003, Plaintiffs filed a Complaint in Intervention styled *State of Florida v. Boehringer Ingelheim Corp.*, No. 98-3032A (Fla. 2d Cir. Ct.) in the Court of the Second Judicial Circuit in and for Leon County, Florida.

Removal to Federal Court

On October 11, 2006, the Dey Defendants removed this action to the United States District Court for the Northern District of Florida. Plaintiffs filed: (1) a Motion to Remand to which the Dey Defendants responded; (2) a Motion to Strike an attachment to an affidavit the Dey Defendants filed concurrently with their response to the motion to remand; and (3) a motion for leave to file a reply memorandum to the Motion to Remand, which this Court granted on February 1, 2007. On November 15, 2006, the District Court issued a Consent Order staying all matters in the case until the Motion to Remand is decided.

Transfer to the District Court of Massachusetts

On December 1, 2006, the JPML transferred *State of Florida v. Boehringer Ingelheim Corp., et al.*, Case No. 4:06-cv-476 (N.D. Fla.), to this Court and this case was assigned Case No. 1:06-CV-12160. On or about December 4, 2006, this Court entered an Order consolidating Case No. 1:06-CV-12160 with Case No. 1:01-CV-12257.

As this case was transferred to this Court by the JPML, the Motion for Remand and Motion to Strike an attachment to the affidavit the Dey Defendants filed concurrently with their response to the motion to remand are **currently pending** before this Court. This Court heard argument on the Motion for Remand on February 1, 2007 and took the Motion for Remand under advisement at that time.

On July 26, 2007, this Court ordered the parties to this action into mediation within 90 days of the date of the Court's order. This Court further ordered the parties to this action to contact Professor Eric Green within 14 days of the date of the Court's order about mediation. The State of Florida and the Relator have contacted Professor Green pursuant to this Court's order.

CERTIFICATE OF SERVICE

I hereby certify that I, Susan Schneider Thomas an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on August 31, 2007, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service. I hereby also certify that a copy hereof was furnished via U.S. Mail this 31st day of August 2007, to the following:

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